

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

IN RE TYCO INTERNATIONAL, LTD.)	
SECURITIES, DERIVATIVE AND)	
“ERISA” LITIGATION)	MDL Docket No. 02-1335-B (PJB)
)	
_____)	
This Document Relates To:)	
)	
Individual Actions)	Civ. No. 03-1343 (PJB)
)	Civ. No. 03-1339 (PJB)
Securities Actions)	Civ. No. 03-1337-B (PJB)
_____)	

**ASSENTED-TO MOTION TO MODIFY
OCTOBER 31, 2008 PRELIMINARY INJUNCTION ORDER**

Defendant L. Dennis Kozlowski, with the assent of Ballard Plaintiffs, Tyco International Ltd., Tyco International (U.S.) Inc., the State of New Jersey, Department of Treasury, Division of Investment, and plaintiffs in the seven “opt-out” cases, respectfully moves for a modification of the preliminary injunction order, entered by this Court on October 31, 2008, imposing certain restraints on transfers of Mr. Kozlowski’s assets (the “Preliminary Injunction Order”). In support of this motion, Mr. Kozlowski states as follows:

1. On or about January 24, 2008, the Federated Plaintiffs commenced a lawsuit in the U.S. District Court for the District of New Jersey, captioned *Federated American Leaders Fund, Inc. v. Tyco Int’l Ltd.*, et al., 2-08-cv-00478 – WJM -- MF (D.N.J.), asserting claims against Mr. Kozlowski, among other defendants, for alleged violations of the federal securities laws and the New Jersey RICO statute (the “Federated Action”).

2. On or about June 12, 2008, the Federated Action was transferred to this Court

under the auspices of the Judicial Panel on Multidistrict Litigation and assigned docket number 08-CV-1337 (PJB).

3. In order to avoid the costs and uncertainties of litigation, and without any admission of liability or wrongdoing, Mr. Kozlowski and the Federated Plaintiffs have reached an agreement in principle to settle all claims asserted or that could have been asserted in the Federated Action.

4. The contemplated settlement of the Federated Action would require Mr. Kozlowski to pay to the Federated Plaintiffs \$50,000.

5. Mr. Kozlowski therefore seeks a modification of the Preliminary Injunction Order to permit Mr. Kozlowski to transfer \$50,000 to the Federated Plaintiffs, separate from and in addition to any and all other transfers permitted under the Preliminary Injunction Order.

6. No memorandum is provided with this motion because the relief requested is clearly within the Court's discretion.

7. The Ballard Plaintiffs, Tyco International Ltd., Tyco International (U.S.) Inc., the State of New Jersey, Department of Treasury, Division of Investment, and plaintiffs in the seven "opt-out" cases have assented to this motion pursuant to Local Rule 7.1(c).

WHEREFORE, L. Dennis Kozlowski respectfully requests this Honorable Court grant the following relief:

A. Modify the Preliminary Injunction Order to permit Mr. Kozlowski to transfer \$50,000 to the Federated Plaintiffs, separate from and in addition to any and all other transfers permitted under the Preliminary Injunction Order; and

B. Grant such other relief as may be just.

Dated: July 16, 2009

Respectfully submitted,

/s/ Richard B. McNamara
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